

## **REMARKS**

This Request for Continued Examination (RCE) Application is being filed in an abundance of caution to permit consideration of a Supplemental Information Disclosure Statement.

No new matter is being presented in this application.

In addition, Applicant takes strong exception to certain of the Office's statements of reasons for allowance. The Office is reminded that the patent statutes require claims to be presented and interpreted in accordance with what the Applicant regards as its invention, not as to what the Office regards as the invention. Accordingly, the Office must read the claims as Applicant regards them (as they are literally worded), not as the Office might regard them. Certain of the Office's statements refer to language that is not in any of the claims and, accordingly, do not follow from allowability of claims that do not literally include such language. Certain of the Office's statements might be interpreted later as reading limitations into Applicant's claims that simply are not there, or otherwise indicate that Applicant must regard its invention of that to which the Office has interpreted outside the literal claim language.

For example, page 2 of the Notice of Allowability states that the prior art does not disclose a first layer "deposited at a first temperature using ALD." This might be interpreted to conclude that the Office reads the Applicant's claims to include this limitation, and that therefore all of the claims are so limited. Yet, Applicant did not include such limitation in its claims as filed, and had no intention that any of its filed and examined claims would be so limited.

Applicant notes that claims 55 and 56 do not limit formation of the first layer to occur by ALD. Instead, claims 55 and 56 set forth "adsorbing a first layer" at a first

temperature that is "less than a chemisorption temperature of the surface activation agent." The present specification expressly defines the terms "adsorption" and "chemisorption" and states that chemisorption is only one type of the broader term "adsorption." ALD is also described in the present specification as involving chemisorption. Since the first temperature is less than the chemisorption temperature, the first layer is adsorbed by some mechanism other than chemisorption and is not "deposited at a first temperature using ALD," as alleged by the Office.

The Office must interpret the claims in accordance with their literal wording, and to the extent that the Office has not already done so, such is mandated now. If the Office relies upon allowance based upon language not appearing in the claims, then the Office must reject the claims and suggest insertion of such language. Then, Applicant can respond as it deems appropriate.

Allowance of the claims as literally worded is urged. This file history is to be interpreted as if the Office's herein contested statement on reasons for allowance in the Notice of Allowability never existed or was withdrawn. If the Office disagrees with this just stated position, then claim rejections are mandated or modification of the statement on reasons for allowance is warranted.

A telephonic interview is requested in the event that the next office action is one other than a Notice of Allowance. The undersigned is available during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 07 Dec 2004

By: \_\_\_\_\_

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